

# **EXHIBIT 1**

1  
2  
3 **IN THE UNITED STATES DISTRICT COURT**  
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS  
6 PRODUCTS LIABILITY LITIGATION  
7

No. MD-15-02641-PHX-DGC

**CORRECTED MASTER SHORT  
FORM COMPLAINT FOR DAMAGES  
FOR INDIVIDUAL CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,  
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Kevin Sanchez

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
14 consortium claim:

15 Not applicable

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
17 conservator):

18 Not applicable

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
20 the time of implant:

21 New Mexico  
22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

New Mexico

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

New Mexico

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for New Mexico

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: \_\_\_\_\_

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☒ Recovery<sup>®</sup> Vena Cava Filter

☐ G2<sup>®</sup> Vena Cava Filter

☐ G2<sup>®</sup> Express (G2<sup>®</sup>X) Vena Cava Filter

☐ Eclipse<sup>®</sup> Vena Cava Filter

Meridian<sup>®</sup> Vena Cava Filter

Denali<sup>®</sup> Vena Cava Filter

Other: \_\_\_\_\_

11. Date of Implantation as to each product:

March 26, 2004

12. Counts in the Master Complaint brought by Plaintiff(s):

x Count I: Strict Products Liability – Manufacturing Defect

x Count II: Strict Products Liability – Information Defect (Failure to Warn)

x Count III: Strict Products Liability – Design Defect

x Count IV: Negligence - Design

x Count V: Negligence - Manufacture

x Count VI: Negligence – Failure to Recall/Retrofit

x Count VII: Negligence – Failure to Warn

x Count VIII: Negligent Misrepresentation

x Count IX: Negligence *Per Se*

x Count X: Breach of Express Warranty

x Count XI: Breach of Implied Warranty

x Count XII: Fraudulent Misrepresentation

x Count XIII: Fraudulent Concealment

x Count XIV: Violations of Applicable New Mexico

Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade  
Practices

☐ Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

x Punitive Damages

☐ Other(s): \_\_\_\_\_ (please state the facts supporting  
this Count in the space immediately below)

---

---

---

---

---

1 RESPECTFULLY SUBMITTED this 14th day of September, 2018.

2 **BERTRAM & GRAF, L.L.C.**

3  
4 By: /s/ Benjamin A. Bertram

5 Benjamin A. Bertram, MO Bar #56945  
6 2345 Grand Blvd. Suite 1925  
7 Kansas City, MO 64108  
8 Telephone: (816)523-2205  
9 Facsimile: (816) 523-8258  
10 benbertram@bertramgraf.com

11 *Attorneys for Plaintiff*